SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS/2883/2026 Rajesh Kumar Chauhan --Petitioner **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Akshay Pradhan, learned counsel for the petitioner. 2. Mr. K.N. Joshi, learned Deputy Advocate General for the State. 3. By the instant writ petition the petitioner is praying for the following reliefs: i. "Issue a writ, order or direction in the nature of mandamus commanding respondents no. 3 and 4 to conclude the pending inquiry (including the inquiry entrusted by letter No. 811/1-15 dated 03.09.2026) (Annexure no.12, page no.132-133 to this writ petition) forthwith, and commanding respondent no. 3 (the Disciplinary Authority) to take a final decision in the departmental proceedings initiated against the petitioner by charge-sheet No. 3732/1-15 dated 16.06.2025, after considering the Inquiry Report dated 09.04.2026, the clarificatory letter dated 20.06.2026, the petitioner's reply and the material that has come on record before the fresh Inquiry Officer, by a reasoned and speaking order, within a period of 15 days from the date of production of a certified copy of the order of this Hon'ble Court, or within such other short period as this Hon'ble Court may deem fit. ii. Issue a writ, order or direction in the nature of mandamus commanding respondents no. 1. 2 and 3 to forward the Character Roll of the petitioner and to consider the case of the petitioner for promotion to the post of Deputy Ranger, on the basis of his seniority and service record, in the Departmental Promotion

Committee for the selection year 2026-27, without treating the pendency of the present proceedings as a bar, and, if the proceedings are not concluded by then, to follow the sealed-cover procedure strictly and to open the cover and grant him promotion with all consequential benefits from the date on which his immediate juniors are promoted, on his exoneration or on the proceedings ending in a result that does not stand in the way of promotion.

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner for promotion in respect of the selection year 2025-26 (Vanadesh No. 115/1-12 dated 18.06.2025 and No. 03/1-13 dated 11.08.2025), in which he could not be considered on account of the suspension later revoked, and to grant him promotion with effect from the due date, with all consequential benefits, if he is found fit, in terms of the outcome of the final order.

iv. Issue a writ, order or direction in the nature of mandamus commanding respondent no. 3 to review the subsistence allowance of the petitioner under Fundamental Rule 53(1)(a)(i) for the period of suspension from 02.05.2025 to 30.04.2026, to enhance the same from 50% to 75% with effect from the expiry of three months of suspension (02.08.2025), and to pay the arrears to the petitioner within four weeks, with interest at such rate as this Hon'ble Court may deem fit."

4. The reliefs as prayed for appears to be innocuous since the disciplinary proceeding is pending since last more than one year. The charge-sheet was already issued and the enquiry was also completed but the disciplinary authority was not satisfied with the enquiry report, therefore, he direct for fresh enquiry.

5. Be that as it may, the disciplinary proceeding should not be kept pending for long. It has been apprised that the suspension has been revoked but there are dues with regard to the subsistence allowance, which the petitioner has prayed for by relief (iv).

6. Learned counsel for the petitioner submits that due to the departmental proceeding the petitioner is not being considered for promotion.

			In this regard it is made clear that the law is very well settled that due to the pending disciplinary proceeding the promotion prospects of an incumbent cannot be put on hold and in such an eventuality the claim for promotion to be considered by ignoring disciplinary proceeding and the result be kept in a sealed envelope. 7. The procedure as observed above has to be followed in letter and spirit. Therefore, this court is of the view that the promotion prospects of the petitioner cannot be withheld merely on the ground that the disciplinary proceeding is pending and the petitioner's candidature should be considered for promotion and the result be kept in the sealed envelope and the same shall be opened after the final outcome of the disciplinary proceeding. 8. Since, the innocuous prayer is being prayed for by the petitioner, hence, the instant writ petition is disposed of finally with the direction to the respondents to conclude the disciplinary proceeding as early as possible preferably within three months from the date of production of certified copy of this order. **(Rakesh Thapliyal, J.)** 05.11.2026 PR
