



2026:UHC:3258

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSS 887/2026 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Paritosh Dalakoti, Advocate, for the petitioner. Ms. Mamta Bisht, Deputy AG, for the State.</p> <p>(2) Petitioner is aggrieved by order dated 17.7.2021, passed by Senior Superintendent of Police, Udham Singh Nagar, whereby he was put under suspension. Petitioner has challenged the suspension order mainly on the ground that a government servant cannot be put under suspension for indefinite period of time. It is contended on behalf of petitioner that in the suspension order, there was only one allegation that petitioner remained unauthorisedly absent from duties after 13.6.2021. It is further contended that thereafter a charge sheet was issued on 31.10.2025, in which one more charge was added that petitioner belongs to Other Backward Classes, but he has secured appointment based on a forged certificate, in which his caste is mentioned as Scheduled Tribe.</p> <p>(3) Learned Counsel for the petitioner submits that suspension order was passed against the petitioner in a casual manner, without ascertaining the charges. It is further contended that the charge mentioned in the suspension order was not sufficient for imposing major penalty, therefore another charge of fake caste certificate was added in the charge sheet.</p> <p>(4) Learned State Counsel was given time to get instructions. On instructions, learned State Counsel submits that SSP, Udham Singh Nagar has written a letter to District Magistrate, Gorakhpur, calling for</p>



report of the Caste Scrutiny Committee as regards the Scheduled Tribe Certificate possessed by the petitioner. She submits that the said letter was issued on 27.4.2026.

(5) This Court finds substance in the submission made by learned Counsel for the petitioner that a government servant cannot be put under suspension for indefinite period. Petitioner was placed under suspension on 17.7.2021 and nearly five years have gone by since then. The disciplinary enquiry is not likely to be completed in near future, as SSP, Udham Singh Nagar has called report of the Caste Scrutiny Committee from District Magistrate, Gorakhpur, where petitioner belongs to.

(6) Having regard to the facts and circumstances of the case, writ petition is allowed. Impugned suspension order dated 17.7.2021 is quashed. The competent authority shall pass fresh order of posting, in respect of petitioner, in any of the 13 districts within the State. However, the disciplinary authority shall be at liberty to proceed with the disciplinary enquiry and conclude the same as early as possible.

(Manoj Kumar Tiwari, J.)
29.4.2026

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