



Stuti Vineet
Associate

INDEFINITE SUSPENSION IMPERMISSIBLE

The Uttarakhand High Court (**HC**) in April 2026, in the case of *Nagendra Pratap*¹, reiterated a principle of service jurisprudence that suspension pending disciplinary proceedings cannot continue indefinitely where the enquiry is unlikely to be concluded within a reasonable time.

Brief Facts

Nagendra Pratap (**Pratap**), an employee serving under the Police department in Uttarakhand (**State**), was suspended by an order dated July 17, 2021, issued by the Senior Superintendent of Police, Udham Singh Nagar (**SSP**). The Suspension Order (**SO**) was based solely on the allegation that he had remained unauthorisedly absent from duty after June 13, 2021. A formal charge sheet was not issued until October 31, 2025, more than four years after the initial suspension.

Subsequently, on October 31, 2025, a charge-sheet was issued introducing an additional allegation that Pratap belonged to the Other Backward Class category but had forged a Scheduled Tribe (**ST**) certificate.

Pratap challenged the SO before the HC on the ground that it was passed in a causal manner and had lasted for an indefinite period.

Pratap's Contentions²

- Contended that the SO was based only on the allegation of unauthorised absence from duty, while the allegation relating to a forged ST certificate was introduced later through the charge-sheet dated October 31, 2025.
- Argued that the SO had been passed casually without properly ascertaining the charges and that the allegation contained therein was insufficient to warrant a major penalty.
- Contended that he had been kept out of service for an unreasonably long period without the conclusion of any disciplinary proceedings.

State's Contentions³

- Informed the HC that steps were being taken in connection with verification of Pratap's ST certificate.
- Submitted that the SSP had written to the District Magistrate, Gorakhpur on April 27, 2026 seeking the report of the Caste Scrutiny Committee regarding the authenticity of the ST certificate relied upon by Pratap.

¹ *Nagendra Pratap v. State of Uttarakhand*, Writ Petition (Service Single) No. 887 of 2026 Uttarakhand High Court.

² Paragraphs 2 and 3 of the Order.

³ Paragraph 4 of the Order.

Judgment and Reasoning

The HC allowed the writ petition, quashed the SO and:

- Observed that Pratap had remained under suspension since July 17, 2021 and that almost five years had elapsed without completion of the disciplinary proceedings.⁴
- Further noted that the enquiry was unlikely to conclude in the near future because the caste verification process was still pending before authorities situated outside the State.⁵
- Found substance in Pratap's contention that a government servant cannot be kept under suspension for an indefinite period.⁶
- Directed the competent authority to issue a fresh posting order in respect of Pratap in any of the thirteen districts of Uttarakhand.⁷
- Clarified that the disciplinary authority would remain at liberty to continue and conclude the disciplinary proceedings in accordance with law and as expeditiously as possible.⁸

This Counsencence Connect contains information in a nutshell on a recent change in law.

This is not legal advice and must not be treated so. For any clarifications, please contact us at: info@counsencence.com. Past issues of Counsencence Connect are available at the 'Newsletters' page of our [website](#) or on our LinkedIn [page](#).

⁴ Paragraph 5 of the Order.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Paragraph 6 of the Order.

⁸ *Ibid.*