

Supplementary List-I
Serial No. 85

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1217/2026
CM No. 2667/2026
CM No. 2668/2026

Hilal Ahmad Tantary

.....Petitioner

Through: Mr. Mohd. Ashraf Malik, Advocate
(***Through Video Conferencing***)

Vs

Union of India & Ors.

.....Respondents

Through: Mr. Sumant Sudan, Advocate vice
Mr. Vishal Sharma, DSGI.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(04.05.2026)

01. The petitioner is a Head Constable in Railway Protection Force (***"RPF"*** in short). The petitioner got posted at Sawalkot Post of RPF on **15.12.2025**.

02. The petitioner came to be implicated in a criminal case by reference to **FIR No. 06/2025** dated **17.03.2025** under sections 318(4), 336(3) & 173 of Bharatiya Nyaya Sanhita (BNS), 2023 registered by the Police Station Kund, District Kulgam.

03. The petitioner is said to have availed an interim bail in connection with the aforesaid case but did not disclose his implication to the Department.

04. A Final Police Report/Charge-Sheet is said to have been presented by reference to said **FIR No. 06/2025** involving the petitioner as an accused therein.

05. The implication of the petitioner in said criminal case is by reference to a complaint made by one Mohd. Jabbar, resident of Kulgam alleging therein that in **2019** the petitioner, upon pretext of securing employment for the son of the complainant in the Health Department, Civil Secretariat, J&K as Nursing Orderly, had taken an amount of **Rs. 4 lac** on **31.01.2020** & **08.10.2020** in installment of **Rs. 2 lac** each through bank account transfer but in return no job was secured in favour of the complainant's son and, thus, Anti-Corruption Bureau, Police Station Srinagar was approached resulting in FIR and final presentation of Police Report.

06. Upon coming to know about this aspect of the petitioner's implication and default on his part in informing the department i.e. RPF, the petitioner has also been proceeded departmentally by way of a disciplinary proceedings under the Railway Protection Force Rules, 1987 with a charge-sheet having been framed and served to which the petitioner has been asked to reply.

07. It is against the aforesaid course of action in terms whereof the concerned and competent officials of the RPF, Northern Railway intend to proceed departmentally against the petitioner that petitioner has come to assail the legal course of action saying that the criminal case as well as the departmental proceedings with a

common nature of accusation cannot run concurrently and, therefore, the departmental proceedings are vitiated and deserved to be quashed.

08. Issue notice to the respondents.

09. Notice in **CM No. 2667/2026** also.

10. Mr. Sumant Sudan, learned Advocate appearing vice Mr. Vishal Sharma, learned DSGI accepts notice on behalf of the respondents.

11. Reply to the writ petition and objections to CM No. 2667/2026 be filed within a period of four weeks.

12. In the meantime, let the petitioner respond to and participate in the departmental proceedings but no final order shall be passed pursuant to the conduct of departmental proceedings *qua* the petitioner without first seeking prior permission of this Court except in case this petition gets disposed of earlier.

13. List on 07.07.2026.

(RAHUL BHARTI)
JUDGE

JAMMU
04.05.2026
Muneesh