

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

Case:- SWP No. 349/2019

Maneer Din aged 45 years
S/o Abdul Rashid
R/o Chassot, Chassot Bagha District Reasi

.....Appellant(s)/Petitioner(s)

Through: Mr. Nonu S. Khera, Advocate
Mr. Harmit K. Mehta, Advocate
Mr. Mohd. Ahsan Khanji, Advocate.

Vs

1. State of Jammu and Kashmir
Through Commissioner/Secretary
Home Department
Civil Secretariat Jammu.
2. Director General of Police
Police Headquarter, Jammu.
3. Senior Superintendent of Police, Reasi.
4. Station House Officer,
Police Station Mahore District Reasi.

.....Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

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

ORDER
(27.05.2025)

01. The petitioner – Maneer Din came to be engaged as Special Police Officer (in short, “**SPO**”) in May 2002 in District Police, Reasi.

02. The petitioner came to suffer disengagement as SPO with immediate effect on account of an order No. 160 of 2019 dated 25.02.2019 passed by the Senior Superintendent of Police

(SSP), Reasi on the purported basis as set out in said order No. 160 of 2019.

03. The purported cause which led to the ouster of the petitioner from the service as SPO was relatable to his implication in FIR No. 16 of 2016 registered by the Police Station Mahore, Reasi for alleged commission of offences under sections 366/109/342 of the Ranbir Penal Code (RPC).

04. FIR No. 16 of 2016 is dated 17.02.2016 meaning thereby till his disengagement in terms of order dated 25.02.2019, the petitioner had remained serving as SPO for an almost three years' stretch of period.

05. The Senior Superintendent of Police (SSP), Reasi cannot be heard to say that he was not aware of the fact of registration of FIR No. 16 of 2016 by the Police Station Mahore, Reasi implicating the petitioner as one of the accused persons so as to justify the delayed disengagement of the petitioner taking place in February 2019 by reference to purported cause of registration of FIR No. 16 of 2016.

06. The petitioner rushed to this Court with the present writ petition instituted on 02.03.2019 meaning thereby within a period of one week of his disengagement the petitioner had approached this Court with the writ petition seeking quashment of his disengagement order No. 160 of 2019 alleging illegality on

the basis of grounds set out in the writ petition one of which being that disengagement of the petitioner was against rules of natural justice as he came to be condemned unheard.

07. A bare perusal of the impugned order would show that the Senior Superintendent of Police (SSP), Reasi has not come forward with any recital worth name that before embarking upon exercise to disengage the petitioner with immediate effect he had put the petitioner on a show cause notice with respect to proposed punishment or adverse outcome.

08. The Senior Superintendent of Police (SSP), Reasi in his impugned order No. 160 of 2019 dated 25.02.2019 has also not stated as to why w.e.f. the date of registration of FIR for long three years' period the petitioner continued to be SPO and then what proved to be the precipitating situation at the end of the Senior Superintendent of Police (SSP), Reasi to come up with a bolt from the blue like disengagement of the petitioner.

09. One of the enabling causes for the Senior Superintendent of Police (SSP), Reasi to come up with disengagement of the petitioner could have been if the Police Station Mahore, Reasi had come forward with a late final police report under section 173 of the Jammu & Kashmir Code of Criminal Procedure, 1989 (1933 A.D.) booking for trial the petitioner for alleged commission of offence alongwith co-accused.

As stated by the learned counsel for the petitioner, the petitioner, as on date has not been booked in any criminal case much less related to said FIR No. 16 of 2016 to face trial before any criminal court of law.

10. The very fact that the disengagement of the petitioner came to take place by virtue of impugned order without affording the petitioner right of hearing renders the order seriously flawed and, therefore, deserves to be set-aside notwithstanding long pendency of this writ petition w.e.f. year 2019 onwards as nullity in law does not gather legitimacy by efflux of time .

11. The impugned order No. 160 of 2019 of the Senior Superintendent of Police (SSP), Reasi is thus held to be illegal and, accordingly, **set-aside**.

12. This Court directs the Senior Superintendent of Police (SSP), Reasi to afford an opportunity of hearing to the petitioner to state his position in the case by reference to the final outcome of the FIR No. 16 of 2016 and then take a final call on the merits of the case with respect to the status of the petitioner to be restored to his position as SPO or not.

13. Needful exercise to be done at the end of the Senior Superintendent of Police (SSP), Reasi within a period of two months from the date of a certified copy of this order being served upon him by the petitioner. The petitioner is directed to present

himself in person before the respondent No. 3 - Senior Superintendent of Police (SSP), Reasi on **04.06.2025** at **10.30 am.**

14. *Disposed of* alongwith connected application(s).

**(RAHUL BHARTI)
JUDGE**

**JAMMU
27.05.2025**

Bunty

Whether the order is speaking: **Yes**

Whether the order is reportable: **No**

