

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(6324/2026) IN WP(C) 2323/2026
CM(6325/2026)

PARVAIZ GANI THOKER

...Petitioner(s)/appellant(s)

Through: Mr. Prince Hamza, Advocate
Mr. Sajjid Ahmad, Advocate

Vs.

UNION TERRITORY OF J AND K AND
OTHERS (PUBLIC WORKS / ROADS AND
BUILDINGS)

...Respondent(s)

Through: Mr. Illyas Nazir Laway, GA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

17.09.2026

1. The petitioner was arrested on 19.08.2021 in connection with FIR No. 229/2021 under Section 8/15 of the NDPS Act, whereupon the petitioner was suspended from service. After the full-fledged trial, the petitioner came to be acquitted by the criminal court vide order dated 17.03.2025, giving him the benefit of doubt.
2. Later, notice dated 15.06.2026 was issued to the petitioner, thereby providing an opportunity of being heard in terms of Rule 35 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, which was impugned by the petitioner before the Central Administrative Tribunal (CAT) by way of Original Application (O.A.) No. 658/2026, which came to be dismissed on 31.08.2026.
3. Learned counsel appearing for the petitioner has tried to impress upon this Court that, while the issue of validity of disciplinary proceedings

was being adjudicated by the Central Administrative Tribunal, the respondents acted in an arbitrary manner by passing an order of termination.

4. Learned counsel for the petitioner further submits that the conduct of the respondents warrants intervention by this Court because the Tribunal ought to have appreciated that once the issue relating to the disciplinary proceedings was under adjudication, passing an order of termination during the pendency of the proceedings was not only contrary to law but also created a situation of selective discrimination against the petitioner, who has suffered the termination.
5. Per contra, learned counsel appearing for the respondents submits that once the order of termination was passed by the respondents, it was required to be assailed by availing the appropriate remedy and could not have been adjudicated by the learned Tribunal in the OA preferred by the petitioner, as the Tribunal was only concerned with the validity of the notice dated 15.06.2026.
6. Learned counsel for the respondents further submits that, since the Central Administrative Tribunal has already granted liberty to the petitioner to pursue such appropriate remedy as may be available to him in law, therefore, the present petition challenging the order passed by the CAT is misplaced.
7. This Court is of the firm opinion that only the validity of the notice dated 15.06.2026 was the core of the prayers which were before the Central Administrative Tribunal. Although the same was being adjudicated by the CAT, thereafter the CAT was satisfied of the fact that the termination order had been finally passed vide Government Order No. 271-PW(R&D) of 2026 dated 27.07.2026, which was issued

8. In these circumstances, when the basic pedestal of the prayer does not support the current litigation, no case for interference is made out, and the present petition is disposed of by granting liberty to the petitioner to raise all the issues by availing the appropriate remedy available in law.

(RAJNESH OSWAL)
JUDGE

SRINAGAR
17.09.2026
Shameem H.

