Sr. No. 37

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2200/2025

Ajay Kumar Sharma .....Applicant(s)/Petitioner(s)

Through :- Mr. Achal Sharma, Advocate

v/s

UT of J & K and Ors. .....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
12.08.2025

1. Impugned in this petition filed by the petitioner under Article 226 of the Constitution of India is an interim order dated 06.08.2025 passed by the Central Administrative Tribunal, Jammu ("the Tribunal") in OA No. 1141/2025 titled "Ajay Kumar Sharma vs. General Administration Department", whereby the application for grant of interim relief has been declined.

2. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that declining of interim relief prayed for by the petitioner is justified in the facts and circumstances of the case. The interim relief which was prayed for by the petitioner in the OA was to stay the operation of the impugned communication including the communication to the police for lodging of FIR. Since the petitioner is facing the charges

of misappropriation of Government funds, as such, the Financial Commissioner being of *prima facie* opinion that the matter involved the criminal element in it, requested the police to register an FIR.

3. Needless to say that the communication by the Financial Commissioner to the police for registration of FIR would not automatically result in registration of the FIR. The police is well within its rights to examine the matter and would register FIR only if prima facie offence is found to have been committed by the petitioner. Even in such eventuality, the petitioner will have the remedy to challenge the registration of FIR in accordance with law. Staying of such communication was thus not called for.

4. The Tribunal has, therefore, rightly declined the interim relief prayed for. The writ petition is still pending and the same is required to be decided by the Tribunal on its merits.

5. For the foregoing reasons, we find no good reason to interfere with the impugned order dated 06.08.2025. This petition is found devoid of merits and the same is, accordingly, dismissed.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
12.08.2025
Manik