Sr. No. 72

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court
Case: PIL No. 9/2012
Along with connected petitions.

Sheikh Mohd. Shafi and anr. …Petitioner (s)/Appellant(s)

Through: Mr. S S Ahmed, Advocate in PIL No. 9/2012
Mr. Sakal Bhushan, Sr. Advocate with
Mr. Rahul Sharma, Advocate in CM No. 6833/2026.

V/s

UOI and ors. …. Respondent(s)

Through: Mr. Vishal Sharma, Sr. Advocate with
Mr. Karan Sharma, CGSC.

Ms. Monika Kohli, Sr. Advocate with
Ms. Sagira Jaffer, Assisting counsel .

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.

ORDER
03.11.2026

(ORAL)

CM No. 6833/2026 *(impleadment of applicant)*

01. The matter is listed on the application whereby the learned Senior counsel for the applicants addressing the Court seeks intervention/impleadment of the applicants in the Public Interest Litigation (PIL) and for issuance of appropriate directions to respondent No. 2-DoPT to consider the representation(s) submitted by the applicants as also to apply its independent mind before taking any decision on the proposal for grant of their prosecution sanction.

02. Learned Senior counsel for the applicants tried to impress upon the Court that the doctrine of deemed sanction cannot be applied rather a case- by- case assessment is required to be made by the Authorities and the Court. Mr. Bhushan also tried to submit that he is seeking a minimal relief of his representation, to be

considered by the Competent Authority/respondent No. 2-DoPT before taking any decision on the proposal of grant of prosecution sanction submitted by the CBI.

03. This Court deems the issuance of such a direction to the respondent-Authorities unwarranted when alternatively, Mr. Bhushan submitted that he may be permitted to withdraw the application and pursue his representation before the DoPT.

04. The reason why this Court has not accepted the application is that **merely the gist of the submission made by learned Senior counsel was that unless the Court directs there will not be proper application of mind by the respondents, which does not seem to find any favour of the Court**.

05. Thus, this Court is of the firm opinion that this application cannot be entertained. The application is ***dismissed as withdrawn.*** At this stage, learned Senior counsel for the applicants submits that liberty be granted to avail appropriate remedy as admissible under law.

06. Needless to say that no such liberty is required from this Court.

07. **PIL No. 9/2012 along with connected petitions*:***

08. **List on 23.12.2026,** on which date Mr. Vishal Sharma, learned DSGI shall submit a comprehensive report regarding the compliance of orders passed from time to time by the Court.

(RAJNESH OSWAL) JUDGE

(DR. PUSHPENDRA SINGH BHATI) CHIEF JUSTICE

Jammu
03.11.2026
Sunita